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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,459	08/27/2003	Jerome Fournier	979-032	7120

7590 11/30/2007
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EXAMINER

VARGOT, MATHIEU D

ART UNIT	PAPER NUMBER
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1791

MAIL DATE	DELIVERY MODE
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11/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/650,459	Applicant(s) FOURNIER ET AL.	
	Examiner Mathieu D. Vargot	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "drawing" as the last line of these claims now lacks antecedent basis and needs to be changed to --spinning--.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Publication WO 00/56777 (see Kim et al, US Patent 6,563,994) in view of Perrin et al essentially for reasons of record as set forth in paragraphs 2-4 of the last office action.

Concerning the spinning, Perrin et al **clearly spins the liquid composition** and solidifies it after it has left the die in the same manner as applicant does. Compare instant UV crosslinking means 20, optical fiber F2, capstan 30 and spool 40 in instant Figure 3 with the corresponding part numerals 7, 9, 10 and 11 in Figure 1 of Perrin et al. Clearly, the same operation is being disclosed in each case.

3. Applicant's arguments filed September 27, 2007 have been fully considered but they are not persuasive. Applicant has replaced the term "drawing" with the language "spinning" and such is acceptable. Clearly, that is what is occurring in the instant

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specification. However, applicant's comments with respect to the art rejection are not persuasive. First of all, there is no indication that spinning a liquid preform in PCT -777 would affect the structure obtained therein any more than it would in the instant process. It just so happens that the primary reference chooses to solidify the preform in the formation cylinder directly after it has been formed rather than spin it and draw it. However, as already noted, Perrin et al provides the teaching to spin, solidify and draw a liquid preform, the spinning occurring as the preform leaves the die—ie, as it is liquid. It is not until the preform is crosslinked --as in the instant application—that it is solidified and then drawn by the capstan. Contrary to applicant's comments, the instant spinning does not distinguish over Perrin et al. Both the instant and Perrin et al may disclose a diameter reduction prior to leaving the die, and such is noted by applicant as not constituting the drawing/spinning, and such is agreed with. The examiner has never argued that the diameter reduction constitutes spinning, or even drawing in the conventional sense. Rather, it was argued that the diameter reduction may have been what applicant believed to be liquid drawing. Since the language has been changed to "spinning", which is supported by the general disclosure of the specification, there is no problem interpreting the term "spinning". However, applicant makes a comment that Perrin et al does not teach liquid spinning and provides no basis for this assertion. To the contrary, while Perrin et al may increase the viscosity of the liquid composition prior to spinning it (see column 4), it is still a liquid composition that is being spun—solids are not capable of being spun. It is respectfully submitted that one of ordinary skill in this art would have knowledge of spinning techniques taught by Perrin et al and would have

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utilized then prior to solidification in the process of PCT -777 to facilitate the formation of a long length of optical fiber.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
November 24, 2007


Mathieu D. Vargot
Primary Examiner
Art Unit 1791

11/24/07